

No.

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Supreme Court, U.S.
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Supreme Court of the United States

EMPRESA CUBANA DEL TABACO, d/b/a CUBATABACO,
Petitioner,

—v.—

GENERAL CIGAR CO., INC., and GENERAL CIGAR HOLDINGS, INC.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

MICHAEL KRINSKY

Counsel of Record

DAVID B. GOLDSTEIN

CHRISTOPHER J. KLATELL

RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.

111 Broadway, 11th Floor
New York, New York 10006
(212) 254-1111

BURT NEUBORNE

40 Washington Square South
New York, New York 10012
(212) 998-6172

Counsel for Petitioner

QUESTIONS PRESENTED FOR REVIEW

1. Whether the Executive's foreign affairs powers under Article II and the Trading with the Enemy Act to conduct the United States' embargo of Cuba oblige the courts to defer to the Executive's reasoned determination that its embargo regulations do *not* bar judicial relief granted to a Cuban enterprise, particularly when the Executive advises that its construction of the regulations avoids the violation of treaty obligations (the requirement to protect "well-known" trademarks under Article 6*bis*, Paris Convention for the Protection of Industrial Property), implicates the reciprocal protection of U.S.-owned trademarks in Cuba, and is consistent with the embargo's purposes.

2. Whether the United States' treaty obligations to Cuba under Article 6*bis* of the Paris Convention remain in effect, in accordance with the Executive's affirmation of those treaty obligations, or whether they have been implicitly abrogated by section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (1996).

3. Whether section 44 of the Lanham Act implicitly abrogates Articles 7 and 8 of the General Inter-American Convention for Trademark and Commercial Protection, identified by this Court as self-executing treaty provisions that mandate judicial relief against the knowing registration and use of a treaty national's foreign trademark.

PARTIES TO THE PROCEEDINGS BELOW

All parties appear in the caption of the case on the cover page.

CORPORATE DISCLOSURE STATEMENT (Rule 29.6)

Petitioner Empresa Cubana del Tabaco, d.b.a. Cubatabaco, is a Cuban enterprise with juridical personality established by Law No. 1191, dated April 25, 1966, of the Republic of Cuba, and is subject to the jurisdiction of a Cuban ministry. It has no parent corporation and no publicly held corporation owns 10% or more of its stock.

TABLE OF CONTENTS

	PAGE
QUESTIONS PRESENTED FOR REVIEW	i
PARTIES TO THE PROCEEDINGS BELOW ...	ii
CORPORATE DISCLOSURE STATEMENT	ii
TABLE OF AUTHORITIES	vii
OPINIONS BELOW	1
JURISDICTION	1
STATUTORY, TREATY AND REGULATORY PROVISIONS	2
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE WRIT	9
Summary of Reasons to Review the Decision Below	9
I. The Court Should Grant Review To Clarify and Protect the Deference Due the Executive When It Exercises Its TWEA and Foreign Affairs Authority To Interpret Its Embargo Regulations, Honor Treaty Obligations and Secure Reciprocal Protection of U.S. Interests	12
A. TWEA and Foreign Affairs Deference	12

	PAGE
B. Adherence to Treaty Obligations	15
C. <i>Chevron</i> and <i>Auer</i> Deference	17
II. The Court Should Grant Review To Clarify and Enforce Judicial Restraint in Finding Implied Treaty Abrogation in Embargo Legislation When, as Here, the Executive Has Reaffirmed the U.S.'s Treaty Obligations	22
III. The Court Should Grant Review To Prevent Frustration of Federal Trademark Law	26
IV. The Court Should Determine Whether the Lanham Act Abrogates Self-Executing Treaty Protections Against the Knowing Adoption of a Treaty National's Mark	28
CONCLUSION	30
APPENDIX	
Opinion of the Second Circuit, decided February 24, 2005	1a
Order of the Second Circuit, dated June 1, 2005	49a
Brief of the United States as <i>Amicus</i> <i>Curiae</i> , dated November 12, 2004	51a

	PAGE
Order, Judgment and Permanent Injunction of the District Court, dated April 29, 2004	76a
Trading With the Enemy Act, § 5(b).....	83a
Cuban Assets Control Regulations (selected provisions).....	86a
Letter of Director, Department of the Treasury, Office of Foreign Assets Control, dated August 19, 1996.....	92a
Paris Convention for the Protection of Industrial Property (Arts. 2, 6 <i>bis</i> , 25, 26)	94a
Agreement on Trade-Related Aspects of Intellectual Property Rights (Arts. 2, 3, and 4)	97a
General Inter-American Convention for Trademark and Commercial Protection (Arts. 7 and 8)	98a
Lanham Act, 15 U.S.C. §§ 1125(a) [section 43(a)], 1126 [section 44], 1127 [section 45]	100a
Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 § 102(h)	106a

	PAGE
Decision No. 833 (HARD ROCK CAFÉ) (Popular Supreme Tribunal of Cuba, Civil and Administrative Chamber 1995)	107a
Opinion of the District Court, dated March 26, 2004	116a
Opinion of the District Court, dated June 26, 2002 (extracts)	236a
Opinion of the District Court, dated October 8, 2002 (extracts)	255a

TABLE OF AUTHORITIES

Cases:	PAGE
<i>Alfred Dunhill of London, Inc. v. Republic of Cuba</i> , 425 U.S. 682 (1976)	11
<i>American Airways Charters v. Regan</i> , 746 F.2d 865 (D.C. Cir. 1984).....	16-17
<i>American Ins. Ass'n v. Garamendi</i> , 539 U.S. 396 (2003)	12
<i>Armstrong v. Bush</i> , 924 F.2d 282 (D.C. Cir. 1991)	25
<i>Auer v. Robbins</i> , 519 U.S. 452 (1997)	17-18
<i>Bacardi Corp. of America v. Domenech</i> , 311 U.S. 150 (1940).....	9, 28
<i>Banco Nacional de Cuba v. Sabbatino</i> , 376 U.S. 398 (1964)	11
<i>Barnhart v. Walton</i> , 535 U.S. 212 (2002)	18
<i>Breard v. Greene</i> , 523 U.S. 371 (1998).....	23
<i>British-American Tobacco Co. v. Philip Morris Inc.</i> , 55 U.S.P.Q.2d 1585 (T.T.A.B. 2000)	11, 28
<i>Chan v. Korean Air Lines, Ltd.</i> , 490 U.S. 122 (1989)	27
<i>Charlton v. Kelly</i> , 229 U.S. 447 (1913)	25
<i>Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.</i> , 467 U.S. 837 (1984)	17-18

<i>Christensen v. Harris Cty.</i> , 529 U.S. 576 (2000)	18
<i>Clark v. Allen</i> , 331 U.S. 503 (1947).....	15-16, 22, 25
<i>Comet Enterprises Ltd. v. Air-A-Plane Corp.</i> , 128 F.3d 855 (4th Cir. 1997)	13
<i>Consarc Corp. v. Iraqi Ministry</i> , 27 F.3d 695 (D.C. Cir. 1994)	13
<i>Cook v. United States</i> , 288 U.S. 102 (1933) ...	16, 23-24
<i>Dames & Moore v. Regan</i> , 453 U.S. 654 (1981)	12-13
<i>Dastar Corp. v. Twentieth Century Fox Film Corp.</i> , 539 U.S. 23 (2003)	19, 26-27
<i>De Cueller v. Brady</i> , 881 F.2d 1561 (11th Cir. 1989)	13
<i>Dellmuth v. Muth</i> , 491 U.S. 223 (1989)	28
<i>First National City Bank v. Banco Nacional de Cuba</i> , 406 U.S. 759 (1972).....	11
<i>First National City Bank v. Banco Para El Comercio Exterior de Cuba</i> , 462 U.S. 611 (1983).....	11
<i>Franklin v. Massachusetts</i> , 505 U.S. 788 (1992)	25
<i>Genesee Brewing Co. v. Stroh Brewing Co.</i> , 124 F.3d 137 (2d Cir. 1997)	27
<i>Guessefeldt v. McGrath</i> , 342 U.S. 308 (1952) ...	14-15
<i>Haig v. Agee</i> , 453 U.S. 289 (1981)	20

<i>Hamdi v. Rumsfeld</i> , __ U.S. __, 124 S.Ct. 2633 (2004)	14-15
<i>Havana Club Holding v. Galleon S.A.</i> , 203 F.3d 116 (2d Cir. 2000)	28
<i>Humanoids Group v. Rogan</i> , 375 F.3d 301 (4th Cir. 2004).....	18
<i>INS v. St. Cyr</i> , 533 U.S. 289 (2001).....	28
<i>Keys v. Barnhart</i> , 347 F.3d 990 (7th Cir. 2003).....	17-18
<i>Markham v. Cabell</i> , 326 U.S. 404 (1945)	14
<i>Medellin v. Dretke</i> , __ U.S. __, 125 S.Ct. 2088 (2005)	24
<i>Ministry of Defense v. Cubic Defense Sys., Inc.</i> , 385 F.3d 1206 (9th Cir. 2004).....	13
<i>Murray v. The Charming Betsy</i> , 6 U.S. (2 Cranch) 64 (1804).....	17, 29
<i>National Cable and Telecomms. Assoc. v. Brand X Internet Servs.</i> , __ U.S. __, 125 S.Ct. 2688 (2005).....	7, 10, 19-20, 30
<i>Paradissiotis v. Rubin</i> , 171 F.3d 983 (5th Cir. 1999).....	13
<i>Propper v. Clark</i> , 337 U.S. 472 (1941).....	21-22
<i>Real v. Simon</i> , 510 F.2d 557 (5th Cir. 1975)	13
<i>Regan v. Wald</i> , 468 U.S. 222 (1984).....	11-12, 14
<i>Richardson v. Simon</i> , 560 F.2d 500 (2d Cir. 1977)	13

<i>Rogers v. Ercona Camera Corp.</i> , 277 F.2d 94 (D.C. Cir. 1960)	21
<i>Sale v. Haitian Centers Council, Inc.</i> , 509 U.S. 155 (1993)	16, 17
<i>Semetex Corp. v. UBAF Arab American Bank</i> , 51 F.3d 13 (2d Cir. 1995)	13
<i>South Dakota v. Bourland</i> , 508 U.S. 679 (1993)	17
<i>Spacil v. Crow</i> , 489 F.2d 614 (5th Cir. 1974)	20
<i>Sumitomo Shoji America, Inc. v. Avagliano</i> , 457 U.S. 176 (1982)	27
<i>Techt v. Hughes</i> , 128 N.E. 185 (N.Y. 1920)	25
<i>Terlinden v. Ames</i> , 184 U.S. 270 (1902)	25
<i>Trans World Airlines, Inc. v. Franklin Mint Corp.</i> , 466 U.S. 243 (1984)	15-16, 22-23, 25, 28-29
<i>United States v. Curtiss-Wright Export Corp.</i> , 299 U.S. 304 (1936)	20
<i>United States v. Herscorp</i> , 801 F.2d 70 (2d Cir. 1986)	13
<i>United States v. Laub</i> , 385 U.S. 475 (1967)	11
<i>United States v. Nordic Village, Inc.</i> , 503 U.S. 30 (1992)	28
<i>Washington State Dept. of Social and Health Servs. v. Guardianship Estate of Keffeler</i> , 537 U.S. 371 (2003)	18

	PAGE
<i>Weinberger v. Rossi</i> , 456 U.S. 25 (1982)	16, 22
<i>Youngstown Sheet & Tube Co. v. Sawyer</i> , 343 U.S. 579 (1952)	12
<i>Zemel v. Rusk</i> , 381 U.S. 1 (1965)	11
Treaties, Statutes, and Regulations:	
15 U.S.C. § 1121	4
15 U.S.C. § 1125	4, 19, 27
15 U.S.C. § 1126	3, 29
22 U.S.C. § 6032	8, 23
22 U.S.C. § 6033	23
22 U.S.C. § 7209	23
28 U.S.C. § 1331	4
28 U.S.C. § 1332	4
28 U.S.C. § 1338	4
28 U.S.C. § 1367	4
28 U.S.C. § 1610	23
50 U.S.C App. § 5	<i>passim</i>
50 U.S.C App. § 10	26
50 U.S.C § 1702	5
50 U.S.C § 1704	5
31 C.F.R. § 515 <i>et seq.</i>	<i>passim</i>